

Suspend the Rules and Pass the Bill (H.R. 3092) With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text.)

113TH CONGRESS
1ST SESSION

H. R. 3092

To amend the Missing Children's Assistance Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2013

Mr. GUTHRIE (for himself, Mr. KLINE, and Mr. WALBERG) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Missing Children's Assistance Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “E. Clay Shaw Missing
5 Children's Assistance Reauthorization Act of 2013”.

6 **SEC. 2. AMENDMENTS.**

7 (a) FINDINGS.—Section 402 of the Missing Chil-
8 dren's Assistance Act (42 U.S.C. 5771) is amended—

1 (1) by redesignating paragraphs (3) through
2 (9) as paragraphs (4) through (10), respectively,
3 and

4 (2) by inserting after paragraph (2) the fol-
5 lowing:

6 “(3) many missing children are runaways;”.

7 (b) DUTIES AND FUNCTIONS OF ADMINISTRATOR.—
8 Section 404 of the Missing Children’s Assistance Act (42
9 U.S.C. 5773) is amended—

10 (1) in subsection (a)—

11 (A) in paragraph(5)—

12 (i) by striking “Representatives, and”
13 and inserting “Representatives, the Com-
14 mittee on Education and the Workforce of
15 the House of Representatives,”, and

16 (ii) by inserting “, and the Committee
17 on the Judiciary of the Senate” after
18 “Senate”,

19 (B) by redesignating paragraphs (4) and
20 (5) as (5) and (6), respectively, and

21 (C) by inserting after paragraph (3) the
22 following:

23 “(4) coordinate with the United States Inter-
24 agency Council on Homelessness to ensure that
25 homeless services professionals are aware of edu-

1 cational resources and assistance provided by the
2 Center regarding child sexual exploitation;”,

3 (2) in subsection (b)—

4 (A) in paragraph (1)—

5 (i) in subparagraph (C)—

6 (I) by striking “and” after “gov-
7 ernments,”, and

8 (II) by inserting “State and local
9 educational agencies,” after “agen-
10 cies,”,

11 (ii) in subparagraph (R) by striking
12 “and” at the end,

13 (iii) in subparagraph (S) by striking
14 the period at the end and inserting a semi-
15 colon, and

16 (iv) by adding at the end the fol-
17 lowing:

18 “(T) provide technical assistance and
19 training to State and local law enforcement
20 agencies and statewide clearinghouses to coordi-
21 nate with State and local educational agencies
22 in identifying and recovering missing children;

23 “(U) assist the efforts of law enforcement
24 agencies in coordinating with child welfare

1 agencies to respond to foster children missing
2 from the State welfare system; and

3 “(V) provide technical assistance to law en-
4 forcement agencies and first responders in iden-
5 tifying, locating, and recovering victims of, and
6 children at risk for, child sex trafficking.”, and

7 (B) by amending paragraph (2) to read as
8 follows:

9 “(2) LIMITATION.—

10 “(A) IN GENERAL.—Notwithstanding any
11 other provision of law, no Federal funds may be
12 used to pay the compensation of an individual
13 employed by the Center if such compensation,
14 as determined at the beginning of each grant
15 year, exceeds 110 percent of the maximum an-
16 nual salary payable to a member of the Federal
17 Government’s Senior Executive Service (SES)
18 for that year. The Center may compensate an
19 employee at a higher rate provided the amount
20 in excess of this limitation is paid with non-
21 Federal funds.

22 “(B) DEFINITION OF COMPENSATION.—
23 For the purpose of this paragraph, the term
24 ‘compensation’—

1 “(i) includes salary, bonuses, periodic
2 payments, severance pay, the value of a
3 compensatory or paid leave benefit not ex-
4 cluded by clause (ii), and the fair market
5 value of any employee perquisite or benefit
6 not excluded by clause (ii); and

7 “(ii) excludes any Center expenditure
8 for health, medical, or life insurance, or
9 disability or retirement pay, including pen-
10 sions benefits.”,

11 (3) in subsection (c)(1)—

12 (A) by striking “periodically” and inserting
13 “triennially”, and

14 (B) by striking “kidnapings” and inserting
15 “kidnappings”, and

16 (4) in subsection (c)(2) by inserting “, in com-
17 pliance with the Family Educational Rights and Pri-
18 vacy Act of 1974 (20 U.S.C. 1232g)” after “birth
19 certificates”.

20 (c) GRANTS.—Section 405(a) of the Missing Chil-
21 dren’s Assistance Act (42 U.S.C. 5775(a)) is amended—

22 (1) in paragraph (1) by inserting “schools,
23 school leaders, teachers, State and local educational
24 agencies, homeless shelters and service providers,”
25 after “children,” and

1 (2) in paragraph (3) by inserting “and schools”
2 after “communities”.

3 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 407 of the Missing Children’s Assistance Act
5 (42 U.S.C. 5777) is amended—

6 (1) in subsection (a) by striking “such” and all
7 that follows through the period at the end, and in-
8 serting “\$40,000,000 for each of the fiscal years
9 2014 through 2018, up to \$32,200,000 of which
10 shall be used to carry out section 404(b) for each
11 such fiscal year.”, and

12 (2) by striking “**SEC. 407**” and inserting “**SEC.**
13 **408**”.

14 **SEC. 4. OVERSIGHT AND ACCOUNTABILITY.**

15 The Missing Children’s Assistance Act (42 U.S.C.
16 5771 et seq.) is amended by inserting after section 406
17 the following:

18 **“SEC. 407. OVERSIGHT AND ACCOUNTABILITY.**

19 “All grants awarded by the Department of Justice
20 that are authorized under this title shall be subject to the
21 following:

22 “(1) **AUDIT REQUIREMENT.**—For 2 of the fiscal
23 years in the period of fiscal years 2014 through
24 2018, the Inspector General of the Department of
25 Justice shall conduct audits of the recipient of

1 grants under this title to prevent waste, fraud, and
2 abuse by the grantee.

3 “(2) MANDATORY EXCLUSION.—If the recipient
4 of grant funds under this title is found to have an
5 unresolved audit finding, then that entity shall not
6 be eligible to receive grant funds under this title
7 during the 2 fiscal years beginning after the 12-
8 month period described in paragraph (4).

9 “(3) REPAYMENT OF GRANT FUNDS.—If an en-
10 tity is awarded grant funds under this title during
11 the 2-fiscal-year period in which the entity is barred
12 from receiving grants under paragraph (2), the At-
13 torney General shall—

14 “(A) deposit an amount equal to the grant
15 funds that were improperly awarded to the
16 grantee into the General Fund of the Treasury;
17 and

18 “(B) seek to recoup the costs of the repay-
19 ment to the fund from the grant recipient that
20 was erroneously awarded grant funds.

21 “(4) DEFINED TERM.—In this section, the term
22 ‘unresolved audit finding’ means an audit report
23 finding in the final report of the Inspector General
24 of the Department of Justice that the grantee has
25 utilized grant funds for an unauthorized expenditure

1 or otherwise unallowable cost that is not closed or
2 resolved within a 12-month period beginning on the
3 date when the final audit report is issued.

4 “(5) NONPROFIT ORGANIZATION REQUIRE-
5 MENTS.—

6 “(A) DEFINITION.—For purposes of this
7 section and the grant programs described in
8 this title, the term ‘nonprofit’, relating to an
9 entity, means the entity is described in section
10 501(c)(3) of the Internal Revenue Code of 1986
11 and is exempt from taxation under section
12 501(a) of such Code.

13 “(B) PROHIBITION.—The Attorney Gen-
14 eral shall not award a grant under any grant
15 program described in this title to a nonprofit
16 organization that holds money in off-shore ac-
17 counts for the purpose of avoiding paying the
18 tax described in section 511(a) of the Internal
19 Revenue Code of 1986.

20 “(C) DISCLOSURE.—Each nonprofit orga-
21 nization that is awarded a grant under this title
22 and uses the procedures prescribed in regula-
23 tions under section 53.4958-6 of title 26 of the
24 Code of Federal Regulations to create a rebut-
25 table presumption of reasonableness of the com-

1 pensation for its officers, directors, trustees and
2 key employees, shall disclose to the Attorney
3 General the process for determining such com-
4 pensation, including the independent persons
5 involved in reviewing and approving such com-
6 pensation, the comparability data used, and
7 contemporaneous substantiation of the delibera-
8 tion and decision. Upon request, the Attorney
9 General shall make the information available
10 for public inspection.

11 “(6) CONFERENCE EXPENDITURES.—

12 “(A) LIMITATION.—No amounts author-
13 ized to be appropriated under this title may be
14 used to host or support any expenditure for
15 conferences that uses more than \$20,000 unless
16 the Deputy Attorney General or the appropriate
17 Assistant Attorney General, Director, or prin-
18 cipal deputy director as the Deputy Attorney
19 General may designate, provides prior written
20 authorization that the funds may be expended
21 to host a conference.

22 “(B) WRITTEN APPROVAL.—Written ap-
23 proval under subparagraph (A) shall include a
24 written estimate of all costs associated with the
25 conference, including the cost of all food and

1 beverages, audio/visual equipment, honoraria
2 for speakers, and any entertainment.

3 “(C) REPORT.—The Deputy Attorney Gen-
4 eral shall submit an annual report to the Com-
5 mittee on the Judiciary of the Senate, the Com-
6 mittee on the Judiciary of the House of Rep-
7 resentatives, and the Committee on Education
8 and the Workforce of the House of Representa-
9 tives on all conference expenditures approved by
10 operation of this paragraph.

11 “(7) PROHIBITION ON LOBBYING ACTIVITY.—

12 “(A) IN GENERAL.—Amounts authorized
13 to be appropriated under this title may not be
14 utilized by any grant recipient to—

15 “(i) lobby any representative of the
16 Department of Justice regarding the
17 award of any grant funding; or

18 “(ii) lobby any representative of a
19 Federal, state, local, or tribal government
20 regarding the award of grant funding.

21 “(B) PENALTY.—If the Attorney General
22 determines that any recipient of a grant under
23 this title has violated subparagraph (A), the At-
24 torney General shall—

1 “(i) require the grant recipient to
2 repay the grant in full; and

3 “(ii) prohibit the grant recipient from
4 receiving another grant under this title for
5 not less than 5 years.

6 “(C) CLARIFICATION.—For purposes of
7 this paragraph, submitting an application for a
8 grant under this title shall not be considered
9 lobbying activity in violation of subparagraph
10 (A).”.